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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,729	10/27/2000	Brandon Camp	SprintIDF1398(4000-00700)	6172
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OVERLAND PARK, KS 66251-2100			2195	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/698,729	<b>Applicant(s)</b> CAMP ET AL.	
	<b>Examiner</b> Kenneth Tang	<b>Art Unit</b> 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to the Response filed on 3/23/06. Applicant's arguments have been fully considered but are not found to be persuasive.
2. Claims 1-21 are presented for examination.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (US 5,835,763) in view of Bowman-Amuah (US 6,660,244 B1).**
4. As to claim 1, Klein teaches a process for processing a batch job, comprising: wrapping the batch job to create an application programming interface (API) for communication with a batch framework, the batch framework comprising a method to execute the batch job; and invoking the batch framework according to a predetermined schedule (*col. 3, lines 31-54*). Klein also teaches using a command line parameter for a batch framework (*col. 9, lines 60-63, col. 10, lines 25-32*).
5. Klein does teach a method to execute the batch job with using a uniform APIs to control it (*col. 11, lines 7-11 and col. 5, lines 49-54*). Klein fails to explicitly disclose using classes to

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dispatch the batch jobs and for efficient reuse of programming code and platform independence by encapsulating the batch job.

6. However, Bowman-Amuah teaches batch processing with classes to dispatch jobs (*col. 4, lines 30-35, etc.*), encapsulating data objects (*col. 12, lines 54-59*) execution of a command line parameter (*executing commands, etc.*) with efficient reuse of programming code (*col. 13, lines 17-28, etc.*), platform independence and Java API (*col. 16, lines 1-12*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Klein and Bowman-Amuah because there are many benefits of object classes such as simplification, protection, flexibility, etc. (*col. 12, lines 50-67 through col. 13, lines 1-29*).

7. As to claim 2, Klein teaches the process of claim 1 wherein the batch job resides locally with the batch framework (*col. 5, line 4*).

8. As to claim 3, Klein teaches the process of claim 1 wherein the batch job resides remotely from the batch framework (*col. 5, lines 12-13*).

9. As to claims 4-6, Klein teaches the process of claim 1 wherein the batch framework is invoked by a scheduling service (*col. 3, lines 39-40*).

10. As to claim 19, Bowman-Amuah teaches a batch framework that is a JAVA framework involving classes and an API (*col. 16, lines 1-12, col. 4, lines 30-35, col. 12, lines 54-59*)

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11. As to claim 20, Bowman-Amuah teaches wherein the application programming interface for communication with the batch framework is a Java application programming interface (*col. 16, lines 1-12*).

12. As to claim 21, Bowman-Amuah teaches wherein the command line parameter comprises a class name, a method name, and one or more method parameters (*col. 195, lines 22-32, etc.*).

13. **Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (US 5,835,763) in view of Bowman-Amuah (US 6,6640,244 B1), and further in view of Swartz et al. (hereinafter Swartz) (US 6,625,651 B1).**

14. As to claims 7-8, Klein fails to explicitly teach the process wherein the scheduling service is AutoSys. However, Swartz discloses processing a batch job using Autosys (*col. 20, lines 56-62*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the use of Autosys to the invention of Klein because Autosys is a job management system.

15. As to claim 9, Swartz teaches the process of claim 8 wherein the command line parameter is a Unix shell script (*col. 4, line 52*).

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16. As to claim 10, Swartz teaches the process of claim 8 wherein the command line parameter is a Windows NT batch file (*col. 4, line 50*).

17. As to claims 11-12, it is rejected for the same reasons as stated in the rejections of claims 7-8.

18. As to claim 13, it is rejected for the same reasons as stated in the rejections of claim 9.

19. As to claim 14, it is rejected for the same reasons as stated in the rejections of claim 10.

20. As to claims 15-16, it is rejected for the same reasons as stated in the rejections of claims 7-8.

21. As to claim 17, it is rejected for the same reasons as stated in the rejections of claim 9.

22.

23. As to claim 18, it is rejected for the same reasons as stated in the rejections of claim 10.

### ***Response to Arguments***

24. During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d

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1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

25. *Applicant argues that Bowman-Amuah does not teach the limitation of invoking a batch framework according to a predetermined schedule via execution of a command line parameter (Unix shell scripts, Windows NT batch files, etc.).*

In response, the Examiner respectfully disagrees. Bowman-Amuah's batch processing system supports a UNIX platform and the UNIX platform provides execution of a command line parameter (*col. 96, lines 55-62, etc.*).

26. *Applicant argues that Klein and Bowman-Amuah fail to teach or suggest the limitation of classes to dispatch batch jobs. Rather, Bowman-Amuah teach that each batch job can be represented as its own unique class.*

First of all, the broadest reasonable interpretation in view of the Specification of a batch job is merely a computer program (*Specification, page 1, line 9*). Bowman-Amuah teaches a batch framework with classes to dispatch batch jobs (*or programs, etc.*) (*col. 13, lines 29-41, col. 14, lines 33-67, etc.*).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt  
1/18/06



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